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ONE HUNDRED EIGHTH CONGRESS

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December 14, 2004

The Honorable J. Kenneth Blackwell
Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Dear Secretary Blackwell:

I am in receipt of your December 14 response to the letter I, and eleven other Members of the House Judiciary Committee, wrote to you on December 2. Frankly, I find your response disappointing and unacceptable and I am dismayed that it took nearly two weeks for you to proffer a letter that does not respond to a single one of our 36 questions.

In light of comments made by your spokesman, your decision to not respond to a single question we posed to you is surprising. Your spokesman had led the media to believe you would be "more than happy to fill in the gaps" for us¹ and that "most" issued had already been explained in "news reports."² I have yet to see answers to any of our 36 questions in news reports or anywhere else and I was very much looking forward to your assistance in locating such reports.

I was also looking forward to your filling "in the gaps" between what the Government Accountability Office is assessing and what we are *investigating*. I am sure you are aware that the Comptroller General has indicated that the GAO is "not authorized to engage in enforcement efforts relating to specific allegations of voting irregularities."³ In contrast, our letter contained a number of very specific allegations of such irregularities, which we are currently investigating, along with additional troubling information we have received since our letters to you.

¹Jim Bebbington, Dayton Daily News, "U.S. Lawmakers want explanation of Voting Irregularities; Dems ask Blackwell about Voting Problems," December 4, 2004.

²Id.

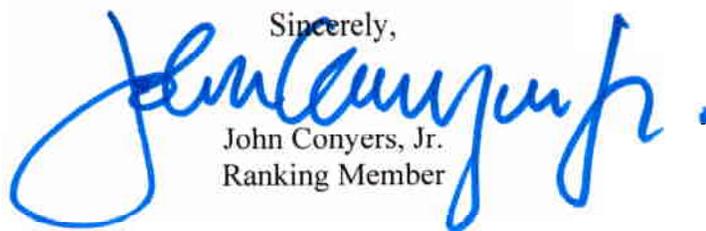
³Statement of the Comptroller General on Election-Related Matters, November 23, 2004, <http://www.gao.gov/electionresults.pdf>.

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Nor is it compelling to argue that Congress cannot investigate a matter simultaneously with the GAO and/or the Department of Justice. In the past year alone, while the GAO was studying a number of issues, Congress was concurrently investigating.⁴ Similarly, a Department of Justice investigation has also never served as a bar to a congressional investigation.⁵

Your refusal to answer the 36 questions we posed to you is unfortunate and part of a pattern of decisions that have worked to obstruct and stonewall a search for the truth about Ohio voting irregularities. If these allegations are as obviously baseless as you have claimed, it would seem that you could perform a public service by dispelling them. The voters deserve no less.

I, therefore, renew my request for you to respond to these inquiries and remain faithful to the commitment you made, through your spokesman, to assist our search for the truth.

Sincerely,

John Conyers, Jr.
Ranking Member

cc: Democratic Members, House Judiciary Committee
F. James Sensenbrenner, Jr., Chairman

⁴ See e.g. (1) Food Safety: USDA and FDA Need to Better Ensure Prompt and Complete Recalls of Potentially Unsafe Food GAO-05-51, October 7, 2004 and see e.g. Subcommittee on Civil Service and Agency Organization, House Government Reform Committee, Hearing on Food Safety, March 30, 2004. (2) U.S. Commission on Civil Rights: Management Could Benefit from Improved Strategic Planning and Increased Oversight GAO-05-77, October 8, 2004 and see e.g. Letters from House Judiciary Chairman F. James Sensenbrenner, Jr. to U.S. Commission on Civil Rights. (3) Rebuilding Iraq: Resource, Security, Governance, Essential Services, and Oversight Issues GAO-04-902R, June 28, 2004 and see e.g. Senate Democratic Policy Committee Hearing, "An Oversight Hearing on Contracting Abuses in Iraq" Friday, September 10, 2004

⁵ See e.g. Congressional Investigations of allegations of Campaign Finance Irregularities in the 1996 Presidential Campaign, Investigation of Charles Parrish, Investigations of Federal Law Enforcement Authorities and the Branch Davidians, and 2001 Investigations of Pardons by President Clinton.